

AN ORDINANCE

04-O-0763

BY COUNCILMEMBER CLETA WINSLOW

AS SUBSTITUTED BY FINANCE/EXECUTIVE COMMITTEE

AUTHORIZING THE SALE OF TWO NARROW STRIPS OF LAND LOCATED ADJACENT TO 455 ROCKWELL STREET IN LAND LOT 86 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA TO CMP CHP PITTSBURG, LP OR ITS SUCCESSORS OR ASSIGNS; AUTHORIZING THE MAYOR TO EXECUTE QUITCLAIM DEEDS TO CMP CHP PITTSBURG, LP OR ITS SUCCESSORS OR ASSIGNS; AND FOR OTHER PURPOSES.

WHEREAS, CMP CHP Pittsburg, LP owns a tract of land bounded by Coleman Street on the west, Rockwell Street on the south and McDaniel Street on the east, said property being known as 455 Rockwell Street in Land Lot 86 of the 14th District of Fulton County, Georgia ("Rockwell Street Property"); and

WHEREAS, CMP CHP Pittsburg, LP is redeveloping the Rockwell Street Property in accordance with the Pittsburgh Community Redevelopment Plan, which was adopted by the City of Atlanta pursuant to the Redevelopment Powers Law, O.C.G.A. § 36-44-1 et seq. (the "Redevelopment Plan"); and

WHEREAS, the Rockwell Street Property received an urban enterprise zone designation in 2003 to enable redevelopment of the Rockwell Street Property, which currently suffers from dilapidation and neglect; and

WHEREAS, CMP CHP Pittsburg, LP is in the process of redeveloping the Rockwell Street Property into multifamily and senior housing, the majority of which will be provided to the public at rental rates that are affordable for individuals with household incomes that are significantly less than the median family income for the Atlanta Metropolitan Statistical Area; and

WHEREAS, the City of Atlanta owns a narrow strip of land comprising 0.972 acre at the northern edge of the Rockwell Street Property that has been paved such that it appears to be a driveway with a cul-de-sac at the end and that is sometimes referred to as Wright Court ("Wright Court"), as show on the survey by Technical Survey Services, Inc. attached to this ordinance as Exhibit A; and

WHEREAS, the Department of Public Works has determined that Wright Court is not and has not previously been reflected in the City of Atlanta public street records as a public street; and

WHEREAS, Wright Court is designated in City urban redevelopment records as Parcel S-1-3, Area 2, Model Cities Urban Redevelopment Area, and has been designated by the Department of Planning and Community Development as surplus property available for sale; and

WHEREAS, the City also owns a ten-foot wide strip of land comprising 0.151 acre located between Wright Court and Stephens Street as shown on Exhibit A (the "North Tract"); and

WHEREAS, CMP CHP Pittsburg, LP also has petitioned to the City to convey the North Tract for use in the redevelopment of the Rockwell Street Property; and

WHEREAS, the North Tract does not have a tax parcel identification number in Fulton County records and is not shown in either the City or County records as a parcel of land separate and distinct from the Rockwell Street Property or Wright Court; and

WHEREAS, the North Tract is designated in City urban redevelopment records as Parcel 1-1, Area 2, Model Cities Urban Redevelopment Area, and has been designated by the Department of Planning and Community Development as surplus property available for sale; and

WHEREAS, use of Wright Court and the North Tract by CMP CHP Pittsburg, LP would contribute to the redevelopment of the Rockwell Street Property; and

WHEREAS, Section 2-1571(a) of the City of Atlanta Code of Ordinances allows the City to sell narrow strips of land to the abutting property owner; and

WHEREAS, pursuant to § 36-44-5(a)(9) of the Redevelopment Powers Law, O.C.G.A. §36-44-1 et seq. and as prescribed in § 36-61-10(a) of the Urban Redevelopment Law, O.C.G.A. §36-61-1 et seq., the City is authorized to convey public property located within a redevelopment area for redevelopment purposes upon payment of fair value; and

WHEREAS, CMP CHP Pittsburg, LP has petitioned the City to convey Wright Court and the North Tract to it as the abutting landowner for redevelopment purposes; and

WHEREAS, the Chief Procurement Officer has reviewed these properties and consulted with the relevant City departments and has determined that Wright Court and the North Tract are no longer useful to or needed by the City; and

WHEREAS, the Chief Procurement Officer now recommends that Wright Court and the North Tract be conveyed to CMP CHP Pittsburg, LP for redevelopment purposes; and

WHEREAS, the Council now wishes to authorize execution of quitclaim deeds to further redevelopment of the Rockwell Street Property in accordance with the Redevelopment Plan.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:



Section 1: The narrow strip of land that has been paved and is known as Wright Court, owned by the City of Atlanta and located adjacent to 455 Rockwell Street in Land Lot 86 of the 14th District of Fulton County, Georgia, a true and correct legal description of which is attached hereto as Exhibit B ("Wright Court"), and also known as Parcel S-1-3, Area 2, Model Cities Urban Redevelopment Area, is hereby declared no longer useful or needed by the City.

Section 2. The narrow strip of land between Wright Court and Stephens Street, the North Tract, located in Land Lot 86 of the 14th District of Fulton County, Georgia, a true and correct legal description of which is attached hereto as Exhibit C ("North Tract"), and also known as Parcel 1-1, Area 2, Model Cities Urban Redevelopment Area, is hereby declared no longer useful or needed by the City.

Section 3: Pursuant to Section 2-1571(a)(1) of the City of Atlanta Code of Ordinances, the City Council determines that these narrow strips of land may be sold to CMP CHP Pittsburg, LP, the abutting property owner, or its successors or assigns.

Section 4. The Chief Procurement Officer is authorized to convey Wright Court and the North Tract for the appraised value of \$109,000.00.

Section 5. The Mayor is authorized to execute and deliver quitclaim deeds conveying Wright Court and the North Tract to CMP CHP Pittsburg, LP or its successors or assigns in exchange for payment of \$109,000.00. Said conveyance shall occur on or before December 30, 2004.

Section 6. Any and all reservations by the City for existing public or private utility easements shall remain in effect for the purpose of entering the two properties to operate, maintain or replace said utility facilities. These easements shall remain in effect until such time as said utilities are abandoned, removed or relocated, at which time the easements shall expire.

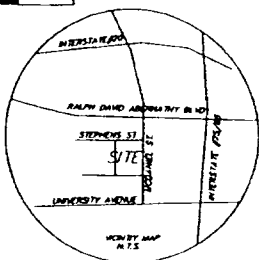
Section 7: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of any such conflict.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

May 3, 2004
May 11, 2004



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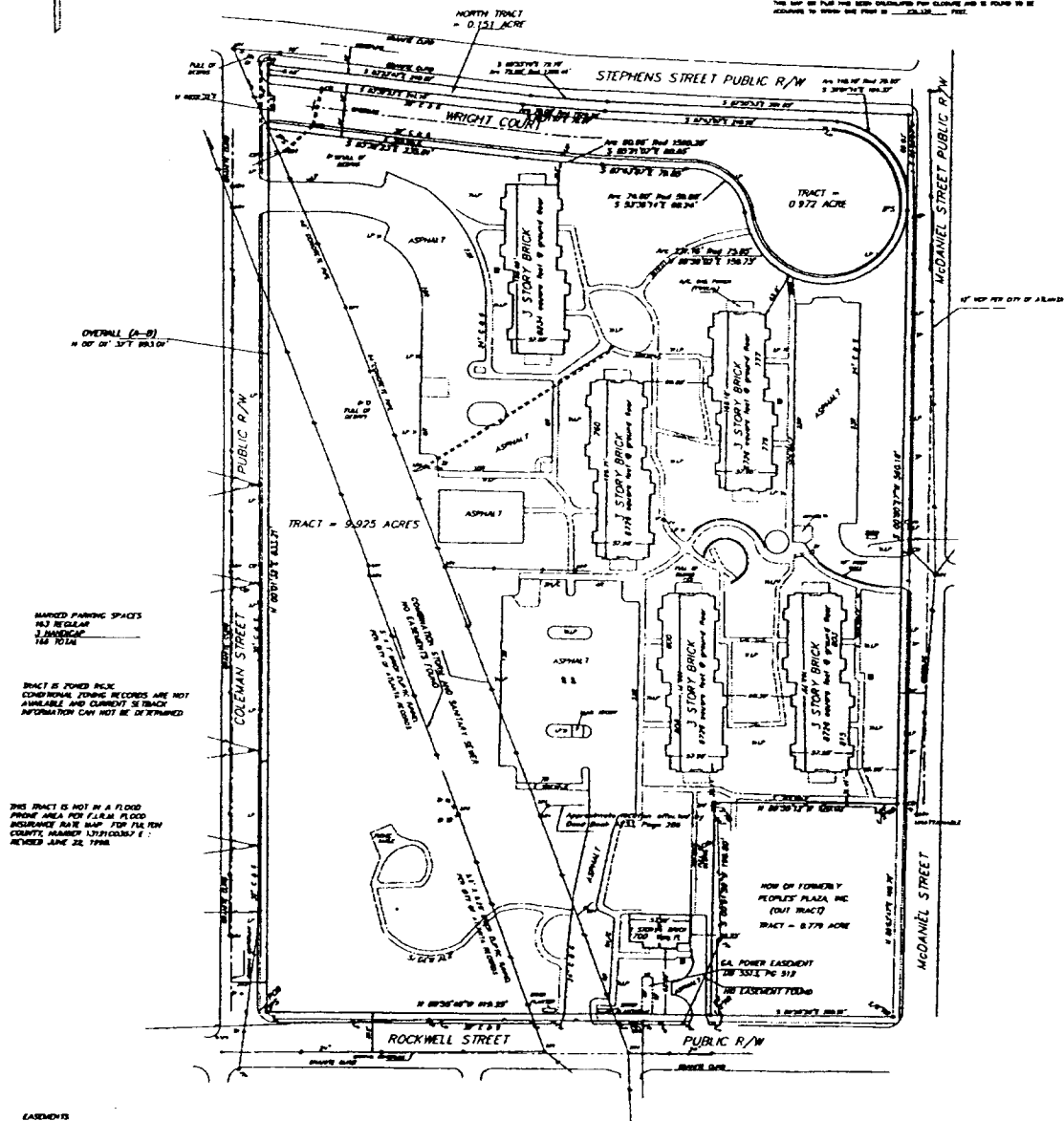
Legal Description
All that tract or parcel of land lying and being in Land Lot 88 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

[illegible]

THE FIELD DATA SHEET UNDER THIS PLAN IS BEING USED AS A CURRENT RECORD OF
AND FROM IT _____ FEET AND AN AVERAGE DEPTH OF _____ FEET WHILE AND WAS
OBTAINED UNDER THE CAPTURED TIDE.

A COPIES 300 THIN SHOWN AND AN SEA JOBS COLLECTOR WENT TO
ENTER THE LEADS AND ANALYSIS MEASUREMENTS USED IN THE PRODUCTION
OF THIS PLAT.

THIS MAP ON FILE HAS BEEN DETERMINED FOR CLOSURE AND IS FOUND TO BE
 ACCURATE TO WITHIN ONE FOOT IN 1:25,000 FEET



MAINTENANCE PARKING SPACES
NO. 1 REGULAR
J. HANCOCK
144 1214

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INFORMATION CAN NOT BE DETERMINED

THIS TRACT IS NOT IN A FLOOD
PRONE AREA PER F.L.R.M. FLOOD
INSURANCE RATE MAP FOR FLE FEN
COUNTY, NUMBER 1379100367 E :
REVISED JUNE 22, 1998.

LASEMEN TIL

1. It may explain the following investments and other disbursements of record referred to as receipts to 1986 in the *Journal of the City of Atlanta* and the *Journal of the City of Atlanta* for the following: *Journal of the City of Atlanta*, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656

1. Agreement by and between American Associated Companies and the City of Atlanta, dated January 27, 1972, in
 Dead Book 5182, Page 104

[illegible]

ALTA/ACSM LAND TITLE SURVEY FOR
CMP CHP PITTSBURGH, LP.
CAPITOL MANAGEMENT;
ASM DEVELOPMENT GROUP, INC.;

CAGO TITLE INSURANCE CORPORATION

CITY OF ATLANTA

LAND LOT B6 14TH DISTRICT

TOWNSHIP COUNTY GEORGIA

MEASURE 18, 2002 1" = 50'

OCTBER 11, 2002 REVISYED PER COMMENTS

OCTBER 16, 2002 REVISYED PER COMMENTS

MAY 20, 2003 ADD NORTH TRACT

MAY 10, 2004 REMOVE WEST OUTPARCEL

REVISYED LEGAL DESCRIPTION

TECHNICAL SURVEY SERVICES, INC.
Land Surveyors

7740 WEST CIRCLE, SW
CONVENTS, GEORGETOWN 30012

Data September 18, 2007

Page 7 of 10 Page ID #102

EXHIBIT B

Legal Description
Wright Court (50' R/W)

All that tract or parcel of land lying and being in Land Lot 86 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

To reach the TRUE POINT OF BEGINNING commence at a point being the intersection of the northerly right of way of Rockwell Street (37.9 feet from original centerline) and the easterly right of way of Coleman Street (34 feet from original centerline); thence along said right of way of Coleman Street and running North $00^{\circ} 01' 32''$ East a distance of 833.21 feet to a point on the southerly right of way of Wright Court (25 feet from centerline) being the TRUE POINT OF BEGINNING; thence continuing along said right of way of Coleman Street North $00^{\circ} 01' 32''$ East a distance of 50.32 feet to a point being the intersection of aforementioned Coleman Street and the northerly right of way of Wright Court; thence continuing along said right of way of Wright Court the following bearings and distances: South $83^{\circ} 32' 23''$ East a distance of 241.16 feet to a point; thence along a curve to the left an arc distance of 78.08 feet (said curve having a radius of 1510.28 feet; a chord distance of 78.07 feet and a chord bearing of South $85^{\circ} 21' 07''$ East) to a point; thence South $87^{\circ} 43' 07''$ East a distance of 218.55 feet to a point; thence along a curve to the right an arc distance of 115.10 feet (said curve having a radius of 75.85 feet; a chord distance of 104.37 feet and a chord bearing of South $38^{\circ} 01' 14''$ East) to a point intersecting the westerly right of way of McDaniel Street (25 feet from centerline); continuing along said right of way of Wright Court along a curve to the right an arc distance of 221.16 feet (said curve having a radius of 75.85 feet; a chord distance of 150.73 feet and a chord bearing of South $88^{\circ} 59' 02''$ West) to a point; thence along a curve to the left and arc distance of 74.80 feet (said curve having a radius of 50.88 feet; a chord distance of 68.24 feet and a chord bearing of North $53^{\circ} 36' 14''$ West) to a point; thence North $87^{\circ} 43' 07''$ West a distance of 79.85 feet to a point; thence along a curve to the right an arc distance of 80.66 feet (said curve having a radius of 1560.28 feet; a chord distance of 80.65 feet and a chord bearing of North $85^{\circ} 21' 07''$ West) to a point; thence North $83^{\circ} 32' 23''$ West a distance of 235.81 feet to the POINT OF BEGINNING. Said tract containing 0.972 acre.

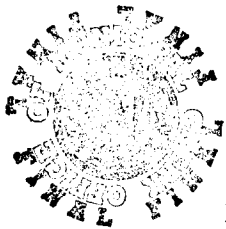


EXHIBIT C

Legal Description North Tract

All that tract or parcel of land lying and being in Land Lot 86 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

To reach the TRUE POINT OF BEGINNING commence at a point being the intersection of the northerly right of way of Rockwell Street (37.9 feet from original centerline) and the easterly right of way of Coleman Street (34 feet from original centerline); thence along said right of way of Coleman Street and running North $00^{\circ} 01' 32''$ East a distance of 883.53 feet to a point being the TRUE POINT OF BEGINNING; thence North $00^{\circ} 01' 32''$ East a distance of 9.48 feet to a point being the intersection of the easterly right of way of Coleman Street and the southerly right of way of Stephens Street (25 feet from centerline); thence continuing along the right of way of Stephens Street the following bearings and distances: South $83^{\circ} 23' 47''$ East a distance of 248.87 feet to a point; thence along a curve to the left an arc distance of 72.80 feet (said curve having a radius of 1292.41 feet; a chord distance of 72.79 feet and a chord bearing of South $85^{\circ} 33' 19''$ East) to a point; thence South $87^{\circ} 50' 53''$ East a distance of 281.83 feet to a point on the westerly right of way of McDaniel Street (25 feet from centerline); thence along said right of way of McDaniel Street South $00^{\circ} 50' 27''$ West a distance of 89.03 feet to a point intersecting the easterly right of way of Wright Court (25 feet from centerline); thence along said right of way of Wright Court the following bearings and distances: along a curve to the left an arc distance of 115.10 feet (said curve having a radius of 75.85 feet; a chord distance of 104.37 feet and a chord bearing of North $38^{\circ} 01' 14''$ West) to a point; thence North $87^{\circ} 43' 07''$ West a distance of 218.55 feet to a point; thence along a curve to the right an arc distance of 78.08 feet (said curve having a radius of 1510.28 feet; a chord distance of 78.07 feet and a chord bearing of North $85^{\circ} 21' 07''$ West) to a point; thence North $83^{\circ} 32' 23''$ West a distance of 241.16 feet to the POINT OF BEGINNING. Said tract containing 0.151 acre.



Section 1: The narrow strip of land that has been paved and is known as Wright Court, owned by the City of Atlanta and located adjacent to 455 Rockwell Street in Land Lot 86 of the 14th District of Fulton County, Georgia, a true and correct legal description of which is attached hereto as Exhibit B ("Wright Court"), and also known as Parcel S-1-3, Area 2, Model Cities Urban Redevelopment Area, is hereby declared no longer useful or needed by the City.

Section 2. The narrow strip of land between Wright Court and Stephens Street, the North Tract, located in Land Lot 86 of the 14th District of Fulton County, Georgia, a true and correct legal description of which is attached hereto as Exhibit C ("North Tract"), and also known as Parcel 1-1, Area 2, Model Cities Urban Redevelopment Area, is hereby declared no longer useful or needed by the City.

Section 3: Pursuant to Section 2-1571(a)(1) of the City of Atlanta Code of Ordinances, the City Council determines that these narrow strips of land may be sold to CMP CHP Pittsburg, LP, the abutting property owner, or its successors or assigns.

Section 4. The Chief Procurement Officer is authorized to convey Wright Court and the North Tract for the appraised value of \$109,000.00.

Section 5. The Mayor is authorized to execute and deliver quitclaim deeds conveying Wright Court and the North Tract to CMP CHP Pittsburg, LP or its successors or assigns in exchange for payment of \$109,000.00. Said conveyance shall occur on or before December 30, 2004.

Section 6. Any and all reservations by the City for existing public or private utility easements shall remain in effect for the purpose of entering the two properties to operate, maintain or replace said utility facilities. These easements shall remain in effect until such time as said utilities are abandoned, removed or relocated, at which time the easements shall expire.

Section 7: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of any such conflict.

AN ORDINANCE

BY COUNCILMEMBER CLETA WINSLOW

04-0 -0763

AUTHORIZING THE SALE OF TWO NARROW STRIPS OF LAND LOCATED ADJACENT TO 455 ROCKWELL STREET IN LAND LOT 86 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA TO CMP CHP PITTSBURG, LP OR ITS SUCCESSORS OR ASSIGNS; AUTHORIZING THE MAYOR TO EXECUTE QUITCLAIM DEEDS TO CMP CHP PITTSBURG, LP OR ITS SUCCESSORS OR ASSIGNS UPON PAYMENT OF FAIR VALUE; AND FOR OTHER PURPOSES.

WHEREAS, CMP CHP Pittsburg, LP owns a tract of land bounded by Coleman Street on the west, Rockwell Street on the south and McDaniel Street on the east, said property being known as 455 Rockwell Street in Land Lot 86 of the 14th District of Fulton County, Georgia (“Rockwell Street Property”); and

WHEREAS, CMP CHP Pittsburg, LP is redeveloping the Rockwell Street Property in accordance with the Pittsburgh Community Redevelopment Plan, which was adopted by the City of Atlanta pursuant to the Redevelopment Powers Law, O.C.G.A. § 36-44-1 et seq. (the “Redevelopment Plan”); and

WHEREAS, the Rockwell Street Property received an urban enterprise zone designation in 2003 to enable redevelopment of the Rockwell Street Property, which currently suffers from dilapidation and neglect; and

WHEREAS, CMP CHP Pittsburg, LP is in the process of redeveloping the Rockwell Street Property into multifamily and senior housing, the majority of which will be provided to the public at rental rates that are affordable for individuals with household incomes that are significantly less than the median family income for the Atlanta Metropolitan Statistical Area; and

WHEREAS, the City of Atlanta owns a narrow strip of land comprising 0.972 acre at the northern edge of the Rockwell Street Property that has been paved such that it appears to be a driveway with a cul-de-sac at the end and that is sometimes referred to as Wright Court (“Wright Court”), as show on the survey by Technical Survey Services, Inc. attached to this ordinance as Exhibit A; and

WHEREAS, the Department of Public Works has determined that Wright Court is not and has not previously been reflected in the City of Atlanta public street records as a public street; and

WHEREAS, Wright Court is not a conforming lot, has no buildable area, and thus cannot be developed independently; and

WHEREAS, the City also owns a ten-foot wide strip of land comprising 0.151 acre located between Wright Court and Stephens Street as shown on Exhibit A (the “North Tract”); and

WHEREAS, CMP CHP Pittsburg, LP also has petitioned to the City to convey the North Tract for use in the redevelopment of the Rockwell Street Property; and

WHEREAS, the North Tract does not have a tax parcel identification number in Fulton County records and is not shown in either the City or County records as a parcel of land separate and distinct from the Rockwell Street Property or Wright Court; and

WHEREAS, use of Wright Court and the North Tract by CMP CHP Pittsburg, LP would contribute to the redevelopment of the Rockwell Street Property; and

WHEREAS, Section 2-1571(a) of the City of Atlanta Code of Ordinances allows the City to sell narrow strips of land to the abutting property owner; and

WHEREAS, pursuant to § 36-44-5(a)(9) of the Redevelopment Powers Law, O.C.G.A. §36-44-1 et seq. and as prescribed in § 36-61-10(a) of the Urban Redevelopment Law, O.C.G.A. §36-61-1 et seq., the City is authorized to convey public property located within a redevelopment area for redevelopment purposes upon payment of fair value; and

WHEREAS, CMP CHP Pittsburg, LP has petitioned the City to convey Wright Court and the North Tract to it as the abutting landowner for redevelopment purposes; and

WHEREAS, the Chief Procurement Officer has reviewed these properties and consulted with the relevant City departments and has determined that Wright Court and the North Tract are no longer useful to or needed by the City; and

WHEREAS, the Chief Procurement Officer now recommends that Wright Court and the North Tract be conveyed to CMP CHP Pittsburg, LP for redevelopment purposes; and

WHEREAS, the Council now wishes to authorize execution of quitclaim deeds to further redevelopment of the Rockwell Street Property in accordance with the Redevelopment Plan.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

Section 1: The narrow strip of land that has been paved and is known as Wright Court, owned by the City of Atlanta and located adjacent to 455 Rockwell Street in Land Lot 86 of the 14th District of Fulton County, Georgia, a true and correct legal description of which is attached hereto as Exhibit B (“Wright Court”), is hereby declared no longer useful or needed by the City.

Section 2. The narrow strip of land between Wright Court and Stephens Street, the North Tract, located in Land Lot 86 of the 14th District of Fulton County, Georgia, a true and correct legal description of which is attached hereto as Exhibit C (“North Tract”), is hereby declared no longer useful or needed by the City.

Section 3: Pursuant to Section 2-1571(a)(1) of the City of Atlanta Code of Ordinances, the City Council determines that these narrow strips of land may be sold to CMP CHP Pittsburg, LP, the abutting property owner, or its successors or assigns.

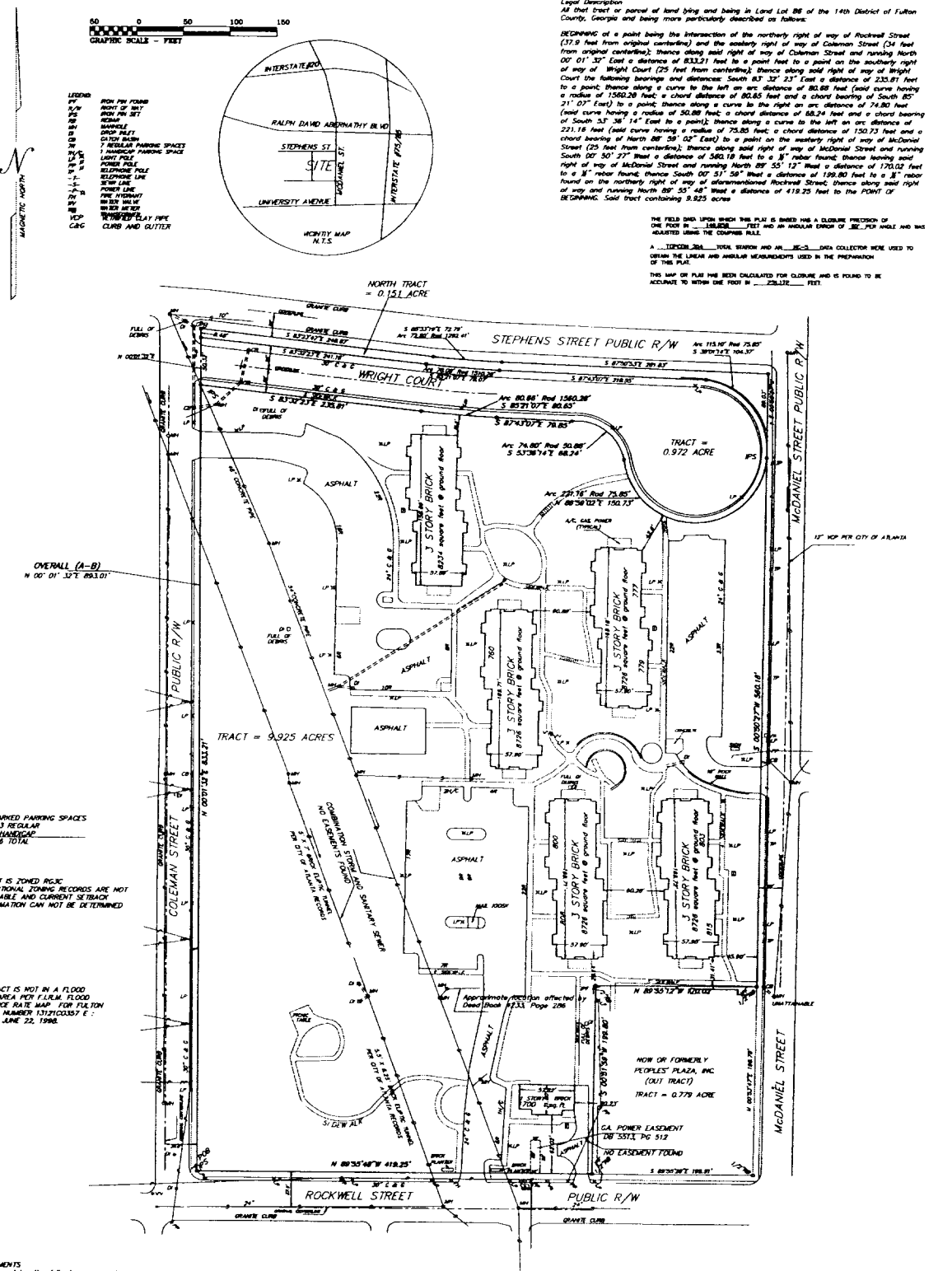
Section 4. The Chief Procurement Officer is authorized to negotiate the fair value of Wright Court and the North Tract as authorized in § 36-44-5(a)(9) of the Redevelopment Powers Law, O.C.G.A. §36-44-1 et seq. and as prescribed in § 36-61-10(a) of the Urban Redevelopment Law, O.C.G.A. §36-61-1 et seq., taking into consideration the goals of the Redevelopment Plan and the nonconforming characteristics of the parcels.

Section 5: The Mayor is authorized to execute and deliver quitclaim deeds conveying Wright Court and the North Tract to CMP CHP Pittsburg, LP or its successors or assigns in exchange for payment of fair value.

Section 6: Any and all reservations by the City for existing public or private utility easements shall remain in effect for the purpose of entering the two properties to operate, maintain or replace said utility facilities. These easements shall remain in effect until such time as said utilities are abandoned, removed or relocated, at which time the easements shall expire.

Section 7: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of any such conflict.

EXHIBIT A



EASEMENTS
In my opinion the following easements and other documents of record listed as exceptions to title in Schedule B, Part 2 of Chicago Title Insurance Company A.L.T.A. Commitment for Title Insurance, Commitment Number C-3070/OP, effective date June 01, 2002, do affect the subject property and are located on the plat where the recorded description is sufficient to plot or approximate the general location:

1. Easement by and between Gulf Oil Corporation and Georgia Power Company, dated October 14, 1957, in Deed Book 3282, Page 575. (General unaffiliated easement)
2. Sewer Easement Agreement by and between Holloway and Miller, Inc. and the City of Atlanta, dated March 29, 1964, in Deed Book 4233, Page 206. (Grants permission to City of Atlanta to maintain sewer if it is relocated)
3. Restrictions, covenants and conditions subsequent with right of reverter contained in Warranty Deed by and between The Housing Authority of the City of Atlanta and Pittsburgh Civic League, dated October 26, 1972, in Deed Book 3680, Page 457.

In my opinion the following easements and other documents of record listed as exceptions to title in Schedule B, Part 2 of Chicago Title Insurance Company A.L.T.A. Commitment for Title Insurance, Commitment Number C-3070/OP, effective date June 01, 2002, do not affect the subject property:

1. Agreement by and between American Associated Companies and the City of Atlanta, dated January 27, 1970, in Deed Book 5182, Page 104

The undersigned hereby certifies, as of September 18, 2002, to CMP, CHP, Pittsburgh, LP, and its successors and assigns, Capital Management, ASM Development Group, Inc. and Chicago Title Insurance Company, that he is a duly registered land surveyor of the State of Georgia, that this plat of survey is made of land in accordance with the minimum standards established by said state for survey and land surveyors and with the minimum detail requirements for land title surveys as adopted by the American Land Title Association and American Congress on Surveying and Mapping for urban surveys, including items on 2, 3, 4, 7(a), 7(b), 7(c), 10, 11(a) and 13 of Table A thereto; that this survey correctly shows the location of all visible buildings, structures and other improvements situated on the subject premises; and that, except as shown, there are no visible easements or rights of way across said premises or any other easements or rights of way, buildings, structures or other improvements, and no encroachments onto said premises by buildings, structures or other improvements situated on adjoining premises.

Date: September 18, 2002

Walter T. Prevette, GA RLS #2107

Legal Description
All that tract or parcel of land lying and being in Land Lot 86 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

Beginning of a point being the intersection of the northerly right of way of Rockwell Street (37.9 feet from original centerline) and the westerly right of way of Coleman Street (34 feet from original centerline); thence along said right of way of Coleman Street and running North 00° 01' 52" East a distance of 833.21 feet to a point; thence along the southerly right of way of Wright Court (25 feet from centerline); thence along said right of way of Wright Court the following bearings and distances: South 83° 32' 21" East a distance of 233.81 feet to a point; thence along a curve to the left on an arc distance of 80.88 feet and a chord bearing of South 53° 38' 14" East to a point; thence along a curve to the right on an arc distance of 74.80 feet (said curve having a radius of 1560.28 feet; a chord distance of 80.88 feet and a chord bearing of South 53° 38' 14" East to a point); thence along a curve to the left on an arc distance of 221.18 feet (said curve having a radius of 75.85 feet; a chord distance of 150.73 feet and a chord bearing of North 88° 58' 02" East) to a point on the westerly right of way of McDaniel Street (25 feet from centerline); thence along said right of way of McDaniel Street and running South 00° 50' 27" West a distance of 560.18 feet to a 3" rebar found thence having said right of way of McDaniel Street and running North 89° 55' 12" West a distance of 170.02 feet to a 3" rebar found thence South 00° 51' 58" West a distance of 199.80 feet to a 3" rebar found on the northerly right of way of McDaniel Street; thence along said right of way and running North 89° 55' 48" West a distance of 418.25 feet to the POINT OF BEGINNING. Said tract containing 9.925 acres.

THE FIELD DATA UPON WHICH THIS PLAN IS BASED HAS A CLOSURE PRECISION OF THE FOOT IN 1/100,000 FEET AND AN ANGULAR ERROR OF 36" PER ANGLE AND HAS ADJUSTED USING THE COURETTE RULE.

A. TYPICAL DATA: TOTAL STATION AND AN. DATA COLLECTOR WERE USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAN.

THIS MAP OR PLAN HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 250,000 FEET.

ALTA/ACSM LAND TITLE SURVEY FOR
CMP, CHP, PITTSBURG, LP,
CAPITAL MANAGEMENT;
ASM DEVELOPMENT GROUP, INC.;

CHICAGO TITLE INSURANCE CORPORATION
CITY OF ATLANTA
LAND LOT 86 14TH DISTRICT
FULTON COUNTY GEORGIA
SEPTEMBER 18, 2002 1" = 50'
OCTOBER 11, 2002 REVISED PER COMMENTS
OCTOBER 16, 2002 REVISED PER COMMENTS
JANUARY 20, 2003 ADD NORTH TRACT
FEBRUARY 10, 2004 REMOVE WEST OUTPARCEL
REVISE LEGAL DESCRIPTION

TECHNICAL SURVEY SERVICES, INC.
Land Surveyors

794 WEST CIRCLE, SW
CONYERS, GEORGIA 30012 Telephone (770) 922-6331
Fax (770) 922-0767

EXHIBIT B

Legal Description

Wright Court (50' R/W)

All that tract or parcel of land lying and being in Land Lot 86 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

To reach the TRUE POINT OF BEGINNING commence at a point being the intersection of the northerly right of way of Rockwell Street (37.9 feet from original centerline) and the easterly right of way of Coleman Street (34 feet from original centerline); thence along said right of way of Coleman Street and running North $00^{\circ} 01' 32''$ East a distance of 833.21 feet to a point on the southerly right of way of Wright Court (25 feet from centerline) being the TRUE POINT OF BEGINNING; thence continuing along said right of way of Coleman Street North $00^{\circ} 01' 32''$ East a distance of 50.32 feet to a point being the intersection of aforementioned Coleman Street and the northerly right of way of Wright Court; thence continuing along said right of way of Wright Court the following bearings and distances: South $83^{\circ} 32' 23''$ East a distance of 241.16 feet to a point; thence along a curve to the left an arc distance of 78.08 feet (said curve having a radius of 1510.28 feet; a chord distance of 78.07 feet and a chord bearing of South $85^{\circ} 21' 07''$ East) to a point; thence South $87^{\circ} 43' 07''$ East a distance of 218.55 feet to a point; thence along a curve to the right an arc distance of 115.10 feet (said curve having a radius of 75.85 feet; a chord distance of 104.37 feet and a chord bearing of South $38^{\circ} 01' 14''$ East) to a point intersecting the westerly right of way of McDaniel Street (25 feet from centerline); continuing along said right of way of Wright Court along a curve to the right an arc distance of 221.16 feet (said curve having a radius of 75.85 feet; a chord distance of 150.73 feet and a chord bearing of South $88^{\circ} 59' 02''$ West) to a point; thence along a curve to the left and arc distance of 74.80 feet (said curve having a radius of 50.88 feet; a chord distance of 68.24 feet and a chord bearing of North $53^{\circ} 36' 14''$ West) to a point; thence North $87^{\circ} 43' 07''$ West a distance of 79.85 feet to a point; thence along a curve to the right an arc distance of 80.66 feet (said curve having a radius of 1560.28 feet; a chord distance of 80.65 feet and a chord bearing of North $85^{\circ} 21' 07''$ West) to a point; thence North $83^{\circ} 32' 23''$ West a distance of 235.81 feet to the POINT OF BEGINNING. Said tract containing 0.972 acre.

EXHIBIT C

Legal Description
North Tract

All that tract or parcel of land lying and being in Land Lot 86 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

To reach the TRUE POINT OF BEGINNING commence at a point being the intersection of the northerly right of way of Rockwell Street (37.9 feet from original centerline) and the easterly right of way of Coleman Street (34 feet from original centerline); thence along said right of way of Coleman Street and running North $00^{\circ} 01' 32''$ East a distance of 883.53 feet to a point being the TRUE POINT OF BEGINNING; thence North $00^{\circ} 01' 32''$ East a distance of 9.48 feet to a point being the intersection of the easterly right of way of Coleman Street and the southerly right of way of Stephens Street (25 feet from centerline); thence continuing along the right of way of Stephens Street the following bearings and distances: South $83^{\circ} 23' 47''$ East a distance of 248.87 feet to a point; thence along a curve to the left an arc distance of 72.80 feet (said curve having a radius of 1292.41 feet; a chord distance of 72.79 feet and a chord bearing of South $85^{\circ} 33' 19''$ East) to a point; thence South $87^{\circ} 50' 53''$ East a distance of 281.83 feet to a point on the westerly right of way of McDaniel Street (25 feet from centerline); thence along said right of way of McDaniel Street South $00^{\circ} 50' 27''$ West a distance of 89.03 feet to a point intersecting the easterly right of way of Wright Court (25 feet from centerline); thence along said right of way of Wright Court the following bearings and distances: along a curve to the left an arc distance of 115.10 feet (said curve having a radius of 75.85 feet; a chord distance of 104.37 feet and a chord bearing of North $38^{\circ} 01' 14''$ West) to a point; thence North $87^{\circ} 43' 07''$ West a distance of 218.55 feet to a point; thence along a curve to the right an arc distance of 78.08 feet (said curve having a radius of 1510.28 feet; a chord distance of 78.07 feet and a chord bearing of North $85^{\circ} 21' 07''$ West) to a point; thence North $83^{\circ} 32' 23''$ West a distance of 241.16 feet to the POINT OF BEGINNING. Said tract containing 0.151 acre.

04-0-0763

(Do Not Write Above This Line)

AN ORDINANCE

BY COUNCILMEMBER CLETA WINSLOW

AUTHORIZING THE SALE OF TWO NARROW STRIPS OF LAND LOCATED ADJACENT TO 455 ROCKWELL STREET IN LAND LOT 86 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA TO CMP CHP PITTSBURG, LP OR ITS SUCCESSORS OR ASSIGNS; AUTHORIZING THE MAYOR TO EXECUTE QUITCLAIM DEEDS TO CMP CHP PITTSBURG, LP OR ITS SUCCESSORS OR ASSIGNS UPON PAYMENT OF FAIR VALUE; AND FOR OTHER PURPOSES.

ADOPTED BY

MAY 3 2004

COUNCIL

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee

Date

Chair

Referred to

Finance

Date 4-28-04

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☒ 2nd

☐ 1st & 2nd

☐ 3rd

Readings

☐ Consent

☐ V Vote

☒ RC Vote

CERTIFIED

CERTIFIED

MAY 3 2004

COUNCIL PRESIDENT PROTEM

CERTIFIED

MAY 3 2004

CLETA WINSLOW
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAY 11 2004

MAYOR